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LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

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ROBERT H. SHENWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

GERALD LEE ARCENEUX

CIVIL ACTION NO. 05-1247

VS.

SECTION P

LAFAYETTE PARISH SHERIFF'S

JUDGE DOHERTY

DEPT., ET AL.

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence objections thereto, and after an independent review of the entire record, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that this action is hereby construed as a petition for writ of *habeas corpus*, and that it is therefore **DENIED AND DISMISSED WITHOUT PREJUDICE** for failure to fully exhaust state court remedies before proceeding herein.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 17 day of November, 2005.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE